

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LEAF TRADING CARDS, LLC

Plaintiff,

v.

THE UPPER DECK COMPANY,

Defendant.

§
§
§
§
§
§
§
§
§

Civil Action No. 3:17-cv-3200
(Consolidated with 3:18-cv-0513-N)

JURY TRIAL DEMANDED

APPENDIX TO JOINT REPORT

Exhibit No.	Description	Appendix Page Range
A	Email from C. Nicholas to M. Biblo dated April 24, 2020.	App. 001 - 003

Dated: May 22, 2020

Respectfully submitted,

/s/ Russell G. Herman

Warren T. Burns (TX Bar No. 24053119)
Will Thompson (TX Bar No. 24094981)
Mallory Biblo (TX Bar No. 24087165)
Russell G. Herman (TX Bar No. 24083169)
BURNS CHAREST LLP
900 Jackson Street, Suite 500
Dallas, Texas 75202
Telephone: (469) 904-4550
Facsimile: (469) 444-5002
wburns@burnscharest.com
whompson@burnscharest.com
mbiblo@burnscharest.com
rherman@burnscharest.com

Attorneys for Plaintiff Leaf Trading Cards, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on this day May 22, 2020, via the Court's CM/ECF system to all counsel of record.

/s/ Russell G. Herman

Russell G. Herman

EXHIBIT A

Subject: RE: Leaf/Upper Deck
Date: Friday, April 24, 2020 at 11:35:22 AM Central Daylight Time
From: Craig Nicholas
To: Mallory Biblo, Shaun Markley, Buffmire, Edwin, Jake Schulte
CC: Warren T. Burns, Will Thompson, Russ Herman, Mark Anderson, Julianna Gravois
Attachments: image001.png

Hi Mallory,

We do not believe it is wise to attempt to set the trial date in the middle of the pandemic, just as we thought it was not a good idea to attempt to re-set the trial for mid-May as Leaf previously proposed. Today the San Diego newspaper reports the highest daily total of cases so far. San Diego remains in lockdown, which is true for both Upper Deck and its counsel. It is impossible to confirm the availability of witnesses, who will come from across North America for the trial. Also, Leaf has insisted on a jury trial, which poses a greater risk to everyone in the courtroom. Once the pandemic is under control and everyone concerned has freedom of movement, it will make sense to confer about trial dates, rather than taking another guess at it right now. Best,

Craig



Craig M. Nicholas, Attorney
NICHOLAS & TOMASEVIC, LLP
225 Broadway, 19th Floor - San Diego, California 92101
ph 619-325-0492 fax 619-325-0496
cnicholas@nicholaslaw.org www.nicholaslaw.org

From: Mallory Biblo <mbiblo@burnscharest.com>
Sent: Friday, April 24, 2020 6:51 AM
To: Craig Nicholas <CNicholas@nicholaslaw.org>; Shaun Markley <SMarkley@nicholaslaw.org>; Buffmire, Edwin <ebuffmire@jw.com>
Cc: Warren T. Burns <wburns@burnscharest.com>; Will Thompson <wthompson@burnscharest.com>; Russ Herman <rherman@burnscharest.com>; Mark Anderson <manderson@burnscharest.com>; Julianna Gravois <jgravois@burnscharest.com>
Subject: Re: Leaf/Upper Deck

[External Email]

Craig - following up here. Thanks.

Mallory Biblo

Burns Charest LLP
[900 Jackson Street](#)
[Suite 500](#)
[Dallas, Texas 75202](#)
[469.914.7610](#) direct
[262.227.0685](#) mobile
[469.444.5002](#) fax

On Apr 22, 2020, at 3:43 PM, Mallory Biblo <mbiblo@burnscharest.com> wrote:

Craig – We would like to get a trial date on the docket. We called Godbey's chambers and the JA suggested submitting a joint report with a couple dates that the parties have agreed upon. She also told us that Godbey has dates available for trial (and we are available) in July and September? What dates are you all available? Thanks.

Mallory Biblo

Burns Charest LLP

900 Jackson Street

Suite 500

Dallas, Texas 75202

469.914.7610 direct

262.227.0685 mobile

469.444.5002 fax